

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. NATIONAL ACCESS LONG DISTANCE, Respondent.	DOCKET NO. FCU-04-33
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**ORDER APPROVING SETTLEMENT AGREEMENT AND
ASSESSING CIVIL PENALTY**

(Issued August 5, 2004)

On July 19, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for proceeding to consider a civil penalty for an alleged slamming violation committed by National Access Long Distance (National Access).

In the complaint, Consumer Advocate asserted that National Access switched the complaining customer's long distance service without proper authorization in violation of Iowa's anti-slamming law, Iowa Code § 476.103 (2003). The complaint was identified as Docket No. FCU-04-33.

On July 26, 2004, the parties to this docket, Consumer Advocate and National Access, submitted a joint motion for approval of a settlement agreement contained in

the motion. The settlement agreement addresses all issues in the docket and includes a monetary penalty against National Access in the amount of \$250, which is to be paid within 30 days of this order.

The Board has reviewed the settlement agreement and will approve it. The settlement agreement is reasonable in light of the record, is in conformance with all applicable statutes and rules, and is in the public interest. 199 IAC 7.2(11).

IT IS THEREFORE ORDERED:

1. The "Joint Motion for Approval of Settlement Agreement" filed in this docket on July 26, 2004, is granted and the "Settlement Agreement" is approved.

2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed July 26, 2004, National Access Long Distance is assessed a civil penalty in the amount of \$250. Payment is due within 30 days of this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Sharon Mayer
Executive Secretary, Assistant to

Dated at Des Moines, Iowa, this 5th day of August, 2004.